GOVERNMENT OF ANDHR PRADESH

ABSTRACT

Public Services - Forest Department – Sri T. Narasimhulu, Divisional Forest Officer, Social Forestry Division, of SF & WP Circle, Kadapa - Departmental Proceedings under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 - Article of Charges – Issued.

Environment, Forest, Science & Technology (For.IV) Department

G.O. Rt.No.4 **Dated:05.01.2018**

ORDER:

It is proposed to hold an enquiry against Sri T. Narasimhulu, DFO, SF Division, of SF & WP Circle, Kadapa in accordance with the procedure laid down in Rule - 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A list of documents by which, and a list of witnesses by whom, the article of charge are proposed to be sustained are also enclosed (Annexure - II & III).

3. Sri T. Narasimhulu, DFO, SF Division, of SF & WP Circle, Kadapa is directed to submit within (10) days of the receipt of this order, a written statement of his defense.

4. Sri T. Narasimhulu, DFO, SF Division, of SF & WP Circle, Kadapa is informed that an enquiry will be held only in respect of those Articles of Charge which as are not admitted. He should therefore, specifically admit or deny the Article of Charges.

5. Sri T. Narasimhulu, DFO, SF Division, of SF & WP Circle, Kadapa is further informed that if he does not submit his written statement of defense within the time date specified in para (3) above, further action will be taken based on the material available.

6. Attention of Sri T. Narasimhulu, DFO, SF Division, of SF & WP Circle, Kadapa is invited to Rule-24 of the A.P.C.S. (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri T. Narasimhulu, DFO, SF Division, of SF & WP Circle, Kadapa is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the A.P.C.S. (Conduct) Rules, 1964.

7. This order is sent to Sri T. Narasimhulu, DFO, SF Division, of SF & WP Circle, Kadapa in-duplicate. He is requested to acknowledge the receipt with date on duplicate copy and return the dame to the Government immediately.

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri T. Narasimhulu, DFO, SF Division, of SF & WP Circle, Kadapa
(Through the Prl.Chief Conservator of Forests, (HoFF), Andhra Pradesh, Guntur)

Copy to the Principal Chief Conservator of Forests, Andhra Pradesh, Guntur.
He is requested to serve the Government Orders on the Divisional Forest Officer, obtain his dated acknowledgement on the duplicate copy and submit the same to Government immediately.

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI. T. NARASIMHULU, DEPUTY CONSERVATOR OF FORESTS, SOCIAL FORESTRY DIVISION, KADAPA COMMITTED THE FOLLOWING IRREGULARITIES

ARTICLE I:

"That Sri T.Narasimhulu, working as Divisional Forest Officer, Social Forestry Division, Kadapa, has failed to supervise the execution of Works resulting in failure of 400 Nos Red Sander beds at Machupally Nursery during the year 2014-15 under M.G.N.R.E.G Scheme which resulted in huge financial loss to the Government".

ARTICLE II:

"That Sri T.Narasimhulu, working as Divisional Forest Officer, Social Forestry Division, Kadapa, has failed to supervise the execution of Works resulting in not raising the Tall plants properly at Kamalapuram Nursery during 2014-15 under MGNREGS".

ARTICLE III:

"That Sri T.Narasimhulu, working as Divisional Forest Officer, Social Forestry Division, Kadapa, has failed to supervise the execution of Works resulting in not raising the Tall plants properly at Buggadam Nursery during 2014-15 under MGNREGS.

ARTICLE IV:

"That Sri T.Narasimhulu, working as Divisional Forest Officer, Social Forestry Division, Kadapa, has shown lack of supervision resulting missing of Rotavator from Maddimadugu nursery".

That, Sri T. Narasimhulu, DFO, SF Division, of SF & WP Circle, Kadapa by his above mentioned acts has exhibited lack of integrity, discipline and devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule. No.3 of the A.P.C.S. (Conduct) Rules, 1964. Hence, the Article of Charges.

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ANNEXURE –I

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF ARTICLE OF CHARGE FRAMED AGAINST SRI T.NARASIMHULU, DIVISIONAL FOREST OFFICER, SOCIAL FORESTRY DIVISION, KADAPA.

ARTICLE I:

"That Sri T.Narasimhulu, working as Divisional Forest Officer, Social Forestry Division, Kadapa, has failed to supervise the execution of Works resulting in failure of 400 Nos Red Sander beds at Machupally Nursery during the year 2014-15 under M.G.N.R.E.G Scheme which resulted in huge financial loss to the Government".

Basis of Charge:

The Divisional Forest Officer, Flying Squad(RS) Division, Kadapa has inspected the Nursery and submitted his inspection report vide ref no: 301/2014-A.3/Date: that Divisional Forest Officer, Social Forestry Division, Kadapa had generated (4) estimates for raising the Red Sander beds, each estimate covering 100 Nos R.S Beds. The estimate wise expenditure incurred under MGNREGS as per the M.Books and online pay orders are furnished below.

S.No.	Name of the work	Work ID No.	Amount spent (in Rs)
1	Raising of 100 Nos R.S Beds at Machupalli	5020003	128644.00
2	Raising of 100 Nos R.S Beds at Machupalli	5020004	95740.00
3	Raising of 100 Nos R.S Beds at Machupalli	5020005	100819.00
4	Raising of 100 Nos R.S Beds at Machupalli	5020006	116650.00
	Total:		**441853.00**

The Divisional Forest Officer, Flying Squad (RS) Division, Kadapa has submitted that the total 400 Nos. R.S Beds were a failure, and the Divisional Forest Officer, SF Division, Kadapa has failed to give proper direction and to guide the field staff in this regard.

Further, the Divisional Forest Officer, Flying Squad(RS) Division, Kadapa has submitted that he has enquired with Sri V.Subbirami Reddy the then Forest Range Officer, SF Kadapa and ascertained from him that in spite of advice given by him that there is no sufficient water in Machupalli for raising of 3.00 lakh nursery and 400 Nos R.S beds, the Divisional Forest Officer, SF Kadapa did not pay attention to the suggestion given by the then Forest Range Officer, SF Kadapa, and the Divisional Forest Officer took lead in raising of nurseries. Further though the then Forest Range Officer, SF Kadapa has also informed that only around 1.00 lakh of 4"x7" or 5"x9" size small bag plants are available for replacing/transplanting into bigger size bags, the Divisional Forest Officer, SF Kadapa himself took initiation to take up 2.75 lakh tall plant nursery in 8"x12" size bags. Thus he failed to select the nursery site to fit for raising nursery and the nursery was made failed and the expenditure for raising the nursery has become in fructuous.

Further, the Divisional Forest Officer, Flying Squad (RS) Division, Kadapa has submitted that the 3.00 lakh nursery raised at Machupalli is not useful for planting during this season. It is only with 34% of bags with seedlings with a height ranging from 10 to 15 cm. The material components of the nurseries of Machupalli, Kamalapuram and Bugga Dam worth of Rs.2,43,965/- were uploaded into the Bank Account of one "Mr. Venkata Ramanaiah" (Retired FBO). In any M.Book, the Divisional Forest Officer, SF Kadapa has signed and noted the date of uploading. Generally, along with payments of

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material components, the corresponding wage components also ought to have been paid by the Divisional Forest Officer. But it was not done. Payments made on wage components are less than the amounts paid towards material component. Due to his inaction and persistent

irregularities the nursery was a total failure. The Divisional Forest Officer, SF Kadapa has not shown any attention on the nursery sites but concentrated more on material components, thus the above nurseries are failed.

Until the irregularities in raising of 400 R.S beds in Machupalli Nursery during 2014-15 under MGNREGS are came to the notice of Chief Conservator of Forests (FAC), Social Forestry & Working Plan Circle, Kadapa through allegation petition and get enquired by the Divisional Forest Officer, Flying Squad (RS) Division, Kadapa vide Rc.No.301/2014/A3,dt:26-06-2015 he failed to submit any report about the irregularities/lapses committed in the above works. Thus, he neglected in discharging his legitimate duties assigned to him and resulting heavy financial loss caused to the government.

The Divisional Forest Officer, Social Forestry Division, Kadapa has also failed to submit his explanation offered on the irregularities pointed out by the Divisional Forest Officer, FS(RS) Division, Kadapa vide CCF, SF & WP Circle, Kadapa Rc.No.217/2015/P1, dt:22-07-2015, 24-09-2015, 03-11-2015, 20-02-2016, 04-07-2016 & 01-08-2016 till on 16-02-2017 though he acknowledged the reference on 28-08-2015. After lapse of 1 year & 7 months of time he submitted his explanation vide his Rc.No.60/2017/P1, dt:16-02-2017 stating that the Divisional Forest Officer, Flying Squad (RS) Division, Kadapa has inspected the Red Sander nursery at first site in Mango garden where 100 beds initially taken was shown by the field staff, and also the 2nd site of Chinnappa Reddy where 200 Red Sanders beds and 200 Teak beds raised. Even though he has seen, intentionally he has not mentioned in his enquiry report, about the 2nd site. If the justification of the Divisional Forest Officer, Social Forestry Division, Kadapa shall take into the consideration, why the Divisional Forest Officer, SF Division, Kadapa has not submitted any report to the higher officer or submitted his explanation when he was given an opportunity to submit his explanation on the irregularities pointed out. **Hence, the Charge.**

ARTICLE II:

"That Sri T.Narasimhulu, working as Divisional Forest Officer, Social Forestry Division, Kadapa, has failed to supervise the execution of Works resulting in not raising the Tall plants properly at Kamalapuram Nursery during 2014-15 under MGNREGS".

Basis of Charge:

The Divisional Forest Officer, Flying Squad(RS) Division, Kadapa has submitted that the Divisional Forest Officer, Social Forestry Division, Kadapa has generated (1) estimate for raising of 25000 Nos 8"x12" size Woven sack nursery at Kamalapuram under MGNREG and the work ID No. is 6020010. Under this work ID, an amount of Rs.3,28,100/- was incurred as per the M.Book and online pay orders.

The DFO, FS (RS) Division, Kadapa has submitted that as on 24.06.2015, 22,728 Nos bags were filled as against 25000 Nos and only 6727 Nos bags were transplanted with seedlings containing small bags and 8025 Nos bags were sown with seed and remaining 7976 Nos bags are empty. Bag filling is still going on in the remaining bags. An amount of Rs.41,675/- was incurred towards the cost of FYM, but the FYM mixed with Red earth, while filling the bags with soil mixture was not noticed. Further, the D.F.O, FS(RS) Division, Kadapa has also submitted that the purpose of raising of tall plants, is to obtain 1 to 1.50 mt. height plants for planting during the rainy season. But the purpose of raising of tall plants is not achieved here. Thus the expenditure incurred towards the cost of Farm Yard Manure is misappropriated. **Hence, the Charge.**

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ARTICLE III:

"That Sri T.Narasimhulu, working as Divisional Forest Officer, Social Forestry Division, Kadapa, has failed to supervise the execution of Works resulting in not raising the Tall plants properly at Buggadam Nursery during 2014-15 under MGNREGS.

Basis of Charge:

The Divisional Forest Officer, FS (RS)Division, Kadapa has stated that the Divisional Forest Officer, Social Forestry Division, Kadapa has generated (2) estimates for raising of 8"x12" size woven sacks nursery, each estimate covering 50000 Nos 8"x12" size woven sacks. The estimate wise amount incurred under MGNREGS as per the M.books and online pay orders are furnished below.

S.No.	Name of the work	Work ID No.	Amount spent (in Rs)
1	Raising of 50000 Nos 8"x12" size woven sack at Bugga Dam	2020033	7,79,404.00
2	Raising of 50000 Nos 8"x12" size woven sack at Bugga Dam	2020034	7,44,762.00
	Total:		**15,24,166.00**

The Divisional Forest Officer, Flying Squad (RS) Division, Kadapa has further submitted that as on 24.06.2015, 97795 bags were filled and 70794 bags were transplanted with the seedlings containing small bags and 27001 bags were sown with seed. Bag filling is still going on in the remaining bags. An amount of Rs.1,66,700/- was incurred towards the cost of FYM, but the FYM mixed with red earth while filling bags with soil mixture was not noticed. Further, the Divisional Forest Officer, Flying Squad(RS) Division, Kadapa has submitted that the purpose of raising of tall plants, is to obtain 1 to 1.50 mt. height plants for planting during the rainy season. But the purpose of a raising of tall plants is not achieved here. Thus the expenditure incurred towards the cost of Farm Yard Manure is misappropriated.

Finally, the Divisional Forest Officer, Flying Squad (RS) Division, Kadapa has stated in his report that, (1) failure of 400 Nos R.S bed nursery and 3.00 lakh bag plant nursery at Machupalli is established, and the Divisional Forest Officer, SF Kadapa is personally responsible for the lapses occurred. The following expenditure is misappropriated/misused.

Sl.No.	Location of Nursery	Name of the work	Work ID No.	Tasks identified as misappropriated	Amount misappropriate/misused
(1)	Machupalli	Raising & Maintenance of 100 Nos R.S beds	5020003	Total nursery failure. Entire expenditure incurred is in fructuous.	128644
(2)	--do--	--do--	2020004	--do--	95740
(3)	--do--	--do--	5020005	--do--	100819
(4)	--do--	--do--	5020006	--do--	116650
(5)	Kamalapuram	Raising & Maintenance of 25000 Nos 8'x12" woven sack nursery	6020010	Rs.328100 / 25000 = Rs.13.12. Rs.13.12 x 18273 = Rs.2,39,741/-	239741
(6)	Bugga Dam Nursery	Raising of 50000 Nos 8"x12" woven sack nursery	2020033	Rs.15,24,166/ 1 lakh = Rs.15.24 per bag. 29206 x15.24 = 4,45,099/-	4,45,099
		--do--	2020034		
				TOTAL:	**11,26,693**

ARTICLE IV:

"That Sri T.Narasimhulu, working as Divisional Forest Officer, Social Forestry Division, Kadapa, has shown lack of supervision resulting missing of Rotavator from Maddimadugu nursery".

Basis of Charge:

The Divisional Forest Officer, Flying Squad(RS) Division, Kadapa has stated that one Rotavator Shaktiman SRT 5/1000 Regular Rotavator Gear Drive was purchased on 29-03-2012 and kept in Maddimadugu nursery. The Divisional Forest Officer and his FS party and concerned Forest Range officer, SF Range, Kadapa and Forest Section Officer, SF Section, Kadapa have proceeded to Maddimadugu Nursery and conducted the inquiry and noticed that one old unconditioned Rotavator No.10 K0908 5/10 -2010 was kept in the place of the original purchased new Rotavator.

On inquiry with the then nursery watchers, Sri K.Akkulaiah and his wife Smt. Ademmaa, it is revealed that the person who was transporting the red earth to the nursery was very frequently taking out the Rotavator from the nursery as per the instructions of Sri B.Krishna Murthy Naik, Forest Section Officer, SF Kadapa, and new Rotavator has been replaced with old unconditional Rotavator. The Divisional Forest Officer, FS (RS) Division, Kadapa has also stated that the Divisional Forest Officer, SF Kadapa has not taken any interest to trace out the replaced Rotavator till the day of inquiry.

The Divisional Forest Officer, Flying Squad(RS) Division, Kadapa has finally submitted that as per the contents of the petition, it is established that new Rotavator has been replaced and kept old unconditional Rotavator in place of new Rotavator.

On reveal of the explanation submitted by the Divisional Forest Officer, Social Forestry Division, Kadapa vide Rc.No.60/2017/P1,dt:16-02-2017 it clearly evident that the Divisional Forest Officer, Social Forestry Division, Kadapa has well aware about replacing of departmental Rotavator with old un-conditioned Rotavator and he has not taken any action against the concerned.

As per Sec.151 of A.P. Forest Department Code Volume-I the following are the duties and responsibilities of the Divisional Forest Officer.

- The Divisional Forest Officer is responsible for the general management and protection of the forests situated in his division, the administration of the division under his charge the execution of all forest works in the division and exercise direct control over the forest establishment employed therein.
- He exercises a direct control over the Forest establishment in the Division and it is his duty to see that the Executive, protective, Ministerial and other forest staff in the Division maintain discipline and attend to their duties properly.
- He is immediately subordinate to the Conservator of Forests, of the circle in all matters and will receive orders and instructions from him, besides complying with the instruction from him, besides complying with one instruction of the Head Office under exigencies of service.
- He will arrange for generation, improvement, exploitation and protection of forests according to sanction working plans, management plans or other orders.
- He will conduct sales, enter into contracts and supply timber and other forest produce to other Departments and to the public. (Excluding supplies to Industries).
- He will realize revenue allotted to his Division and control the expenditure in the Division.
- He will deal with all forest offences cases in the Division.

- He will conduct inspection of all forest works in the division and check-measure the works as prescribed in this code.
- He will see that nursery and plantation journals, Control books, Control Journals are posted upto date.

- He should make surprise inspection of Range Officers and verify the maintenance or office records, stores and cash book.
- He should test check the stock of timber or other forest produces whenever he visits a depot.
- He should perform any special work or duty which may be entrusted to him by his superiors.
- He will conduct annual inspection of Range Offices, depots and test check the beat inspections of each Range. He shall, however, inspect all vulnerable beats prone to smuggling once in a year.

Sri T.Narasimhulu, Divisional Forest Officer, Social Forestry Division, Kadapa has failed to comply with instructions of the superior officers. The explanation was called for from vide CCF, SF & WP Circle, Kadapa Rc.No.217/2015/P1,dt:22-07-2015 for the lapses pointed out by the Divisional Forest Officer, Flying Squad (RS) Division, Kadapa during his enquiry and the same was acknowledged by him on 28-08-2015. But in spite of repeated requests vide CCF, S.F & W.P Circle, Kadapa Rc.No. 217/2015/P1, dt:03-11-2015, 20-02-2016, 04-07-2016 & 01-08-2016 the Divisional Forest Officer, Social Forestry Division, Kadapa did not evince any interest and failed to submit his explanation on the above lapses pointed out by the Divisional Forest Officer, Flying Squad (RS) Division, Kadapa. The Divisional Forest Officer, Social Forestry Division, Kadapa was also warned through CCF, SF & WP Circle, Kadapa D.O letters dt: 04-07-2016 & 01-08-2016 that if he fails to submit his explanation within the stipulated time, it will be presumed that he admitted the charges, and have no explanation to offer and the entire amount of Rs.11,26,693/- will be treated as misappropriate/misused and will be ordered for recovery duly recommending for initiating disciplinary action against him. Even then the Divisional Forest Officer, Social Forestry Division, Kadapa has failed to submit his explanation and disobeyed the superior orders.

Thus, it is evident that he being the Divisional Forest Officer of Kadapa (SF) Division is supposed to execute the works in the Range with the help of Forest Range Officer /Forest Section Officers and he must carry out his inspections in detail and see that all his subordinates do their work properly and in the event of serious misconduct of any subordinate, he should report the case to the Conservator of Forests, for disciplinary action. But, he has completely failed to attend the primary duty of Supervision of works in his jurisdiction and hence resulted in misappropriation of Government funds resulting to violation of Articles 5, 273, 294, 300, 301, and 302 of the Andhra Pradesh Financial Code. He failed to get execute the Works properly and also failed to supervise his subordinate staff, he failed to inspect and test check the works. He has also failed to report the issues to the Conservator of Forests, SF & WP Circle, Kadapa. Had the D.F.O, Kadapa (FS) (RS) not inspected the works the issue would not have come to the light and the Government would have sustained irreparable loss. Thus he has grossly neglected his legitimate duties, resulting in misappropriation of Government funds for which he is collectively responsible along with Range Officer & Section Officer. Thus, he has grossly neglected his legitimate duties exhibiting lack of integrity, devotion to duty and conduct becoming of a government servant and thereby contravened Rule 3 (1), (2) of APCS conduct Rules 1964 and Section 151 of AP Forest Department code and misappropriate the Govt. funds. **Hence, the charge.**

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED :: BY ORDER//

SECTION OFFICER

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ANNEXURE – II

List of documents by which Article of charge framed against Sri T.Narasimhulu, Divisional Forest Officer, Social Forestry Division, Kadapa are proposed to be sustained.

1. Anonymous compliant petition as against Sri T.Narasimhulu, Divisional Forest Officer, Social Forestry Division, Kadapa with endorsement of CCF, Kurnool Circle, Kurnool dt:15/05/2015 to the DFO, FS(RS) Division, Kadapa for inspection and report.

2. DFO, FS(RS) Division, Kadapa Ref.No.301/2014/A3,dt:26-06-2015 with enclosures showing the expenditure as per M.book and FTOs. (Statement – I, II, III, IV, V, VI & VII).

3. Statement of Sri V.Subbirami Reddy, the then FRO, SF Range, Kadapa presently working as FRO, V&E, Kadapa dt:22-06-2015.

4. Statement of Sri K.Akkulaiah & Smt.K.Ademma, nursery watchers dt:18-05-2015.

5. Panchanama recorded on 15-05-2015.

6. Explanation of Sri A.Ravindra Reddy, FRO,SF Kadapa dt:NIL received in the O/o CCF, SF & WP Circle, Kadapa 02-11-2015.

7. Explanation of Sri B.Krishnamurty Naik, FSO,SF Section Kadapa dt:16-12-2015.

8. CCF, SF & WP Circle, Kadapa Rc.No. 217/2015/P1,dt:24-09-2015, 03-11-2015, 20-02-2016,04-07-2016 & 01-08-2016

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED :: BY ORDER//

SECTION OFFICER

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ANNEXURE – III

List of witnesses by whom article of charge framed against Sri T.Narasimhulu, Divisional Forest Officer, Social Forestry Division, Kadapa are proposed to be sustained.

1. Sri B.Nagaraju, formerly Divisional Forest Officer, Flying Squad(RS) Division, Kadapa.
2. Sri V.Subbarami Reddy, formerly FRO, SF Range, Kadapa.
3. Sri A.Ravindra Reddy, FRO, SF Range, Kadapa
4. Sri B.Krishmurthy Naik, FSO, SF Section, Kadapa.
5. Sri K.Akkulaiah & Smt.K.Ademma, nursery watchers, Maddimadugu nursery.

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED :: BY ORDER//

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